

Remarks

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-16 are currently pending.

The Office Action mailed on September 3, 2004 set forth the following rejections:

(i) claims 1-4 and 10-12 were rejected under 35 U.S.C. § 102(e) as anticipated by Hayter (US Patent No. 6, 307, 866); and

(ii) claims 9 and 16 were rejected under 35 U.S.C. § 103(a) as obvious over Hayter in view of Baudelot et al. (US Patent No. 6, 104,714).

Additionally, the Patent Office objected to claims 5-8 and 13-15 as being dependent upon rejected base claims but indicated that these claims would be allowable if rewritten in independent form. Applicants thank the Examiner for this indication of allowability.

Applicants respectfully point out that independent claims 1 and 10 each recite the transmission, over an ATM network, of “data flows generated in accordance with a connected mode transport protocol and formatted in packets in accordance with a non-connected mode network protocol.” An example of a connected mode transport protocol – i.e. a transport protocol that requires a connection to already exist – is TCP.

Hayter does not teach or suggest the use of any particular transport protocol, let alone one in which data flows generated thereby are formatted into non-connected mode network protocol packets. Instead, Hayter discloses a method of allocating a network bandwidth in a network telecommunications system comprising data sources, data destinations, and switches there between, and describes the allocation method in the context of an Asynchronous Transfer Mode (ATM) network.

Hayter discloses that Virtual Paths and Virtual Channel Identifiers are defined for supporting ATM cells between the data sources and the data destinations (col.3, 1.62-66). Hayter does not, however, disclose in detail how the Virtual Paths are defined and whether a Virtual Path is defined for each pair of data source – data destination or only for some of them. Moreover, the data sources and the data destinations seem to be final users for a transmission over ATM.

According to the method of Hayter, each ATM switch comprises a resource manager (44) and a bandwidth allocator (46). The resource manager receives a resource management cell from a data source and uses it for controlling the rate at which the data source transmits data, according to a rate request included in the resource management cell and an ABR (Available Bit Rate) bandwidth currently available to the switch in question (col.5, 1.6-12).

As for the bandwidth allocator, it operates to share between the different data sources the ABR bandwidth which is available to the ATM switch (col.6, 1.6-10). Once the different steps of the method disclosed by Hayter have been carried out (see claim 1), the total bandwidth available to the ATM switch considered is allocated so that all the data sources can share it according to their respective requests.

In summary, Hayter describes a simple resource allocation method carried out in an ATM network that operates without regard to which transport protocol is used.

Additionally, independent claims 1 and 10 each require an access point of the ATM network to receive “a request, formulated in accordance with said connected mode protocol, to establish a connection....” Such connection is thus related to the connected protocol used. The connection is a transport layer-related notion (layer 3) which involves final users (source and destination stations) and must not be confused with the activation of an ATM virtual circuit between two access points (layer 2). The present invention proposes a way to *couple* these two different levels, at an access point of the network. Hayter does not disclose a request to establish such a connection since it addresses only the ATM level in view of an ATM resource allocation and never mentions layer 3. The simple fact that a final user comes from an idle state to an active state does not constitute a request to establish a connection in the meaning of the present invention, i.e. a specific message transmitted between two different stations according to a predetermined transport layer protocol.

Concerning dependent claims 9 and 16, Applicants respectfully submit that Baudelot et al. neither teaches nor suggests either the use of a connected mode transport protocol which generates data flows formatted in packets in accordance with a non-connected mode network protocol or the use of a connection request, by an ATM network access point, formulated in accordance with a connected mode protocol as required by claims 9 and 16. Therefore, Applicants respectfully submit that the teachings of this reference fail to make up for the

deficiencies in the teachings of Hayter as discussed above. Accordingly, all claims should be allowable over this combination of references.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Richard A. Wulff', written over a horizontal line.

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